

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

BAXLEY CORPORATION, LLC

DEBTOR

CASE NO:

22-00397-5-DMW

CHAPTER 7

**NOTICE OF FIRST APPLICATION FOR INTERIM COMPENSATION OF
AUCTIONEER**

James B. Angell, Chapter 7 Trustee in the above referenced case (“Trustee”) has filed papers with the Court to apply for interim compensation for Country Boys Auction & Realty, Inc. (“Auctioneer”) in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to allow the application, or if you want the court to consider your views on the application, then on or before **October 31, 2022**, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

Clerk, U.S. Bankruptcy Court
Eastern District of North Carolina
PO Box 791
Raleigh, North Carolina 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Brian C. Behr, Esquire Bankruptcy Administrator 434 Fayetteville Street, Suite 640 Raleigh, NC 27601	James B. Angell Chapter 7 Trustee P.O. Box 12347 Raleigh, NC 27605
Bill Kroll Everett Gaskins Hancock, LLP 220 Fayetteville Street #300 Raleigh, NC 27601	George M. Oliver Po Box 1548 New Bern, NC 28563

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

DATED: October 7, 2022

s/James B. Angell

James B. Angell, Chapter 7 Trustee
Howard, Stallings, From, Atkins,
Angell & Davis, P.A.
State Bar No. 12844
P.O. Box 12347
Raleigh, NC 27605
Telephone: (919) 821-7700
Facsimile: (919) 821-7703
jangell@hsfh.com

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FIRST APPLICATION FOR INTERIM COMPENSATION OF AUCTIONEER

Now comes James B. Angell, Chapter 7 Trustee (“Trustee”), by and through undersigned counsel, and hereby applies for approval of payment of fees and expenses for the Trustee’s Auctioneer, Country Boys Auction & Realty, Inc. (“Auctioneer”). In support thereof, he respectfully represents to the Court:

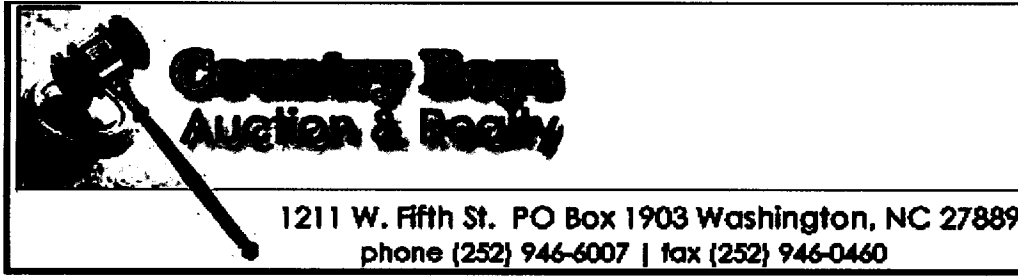
1. This matter is a core proceeding pursuant to 28 U.S.C. §157, and the Court has jurisdiction pursuant to 28 U.S.C. §§151, 157 and 1334. The Court has the authority to hear this matter pursuant to the General Order of Reference entered August 3, 1984, by the United States Bankruptcy Court for the Eastern District of North Carolina.
2. In the course of the affairs of the bankruptcy estate, it became necessary for the Trustee to obtain the services of an Auctioneer. On March 7, 2022, the Trustee filed an Application to Employ Country Boys Auction & Realty, Inc. as Auctioneer in this case. An order was entered allowing employment on March 21, 2022.
3. The Auctioneer was employed to perform the following professional services:
 - a. To sell any real and/or personal property owned by Baxley Corporation, LLC and Baxley Leasing, LLC; and
 - b. To serve as an expert witness on request by the Trustee.
 - c. To perform any other auctioneering or realty services for the Trustee as may be necessary in this Chapter 7 proceeding.
4. This is the first application for payment of the Auctioneer in this case.
5. The Trustee seeks to make payments to Auctioneer for services rendered attached as Exhibit A. The total payment of fees sought is \$2,360.00.
6. The services rendered by Auctioneer were necessary and of substantial value to the bankruptcy estate. The amount sought is fair and reasonable for the services rendered.

WHEREFORE, it is hereby respectfully requested that Country Boys Auction & Realty, Inc., Auctioneer for the James B. Angell, Chapter 7 Trustee in the above referenced case be allowed reimbursement of fees in the amount of \$2,360.00 and for such other relief as is just and proper.

DATED: October 7, 2022

s/James B. Angell

James B. Angell, Chapter 7 Trustee
Howard, Stallings, From, Atkins,
Angell & Davis, P.A.
State Bar No. 12844
P.O. Box 12347
Raleigh, NC 27605
Telephone: (919) 821-7700
Facsimile: (919) 821-7703
jangell@hsfh.com



Invoice

Date	Invoice #
10/6/2022	3165

Bill To
Jim Angell, Trustee PO Drawer 12347 Raleigh, NC 27605-2347

Re: Baxley Corporation LLC

Description	Amount
Castle Hayne 4700 N. College Rd 3 storage units truck and trailer 120 miles	360.00
4 men 7.5 hours @ 20	600.00
Pick up inventory in Plymouth, NC 35 miles truck and trailer	700.00
4 men 3 hours @ 20	240.00
Hours checking in trucks and trailers making inventory to verify vin#'s etc 8 man hrs	160.00
Hours spent assisting in getting vehicles running and removal of trucks and trailers from the yard in intervals 10 hours	200.00
Man hours to assist loading small items out of warehouse at they were released 5 hours	100.00
Total	\$2,360.00

DECLARATION OF COSTS AND EXPENSES OF SALE

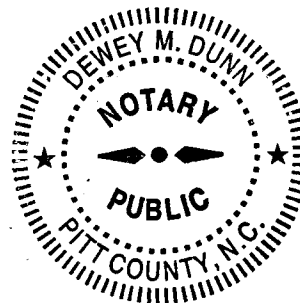
I, Mike Gurkins, of Country Boys Auction & Realty, Inc. declare under penalty of perjury that the foregoing costs and expenses of sale to the best of my knowledge, are true and accurate and were necessary for the sale of the property reported herein.

10-6-22
Dated

Mike Gurkins

Sworn and Subscribed before me the 6 day of July, 22

Notary



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CERTIFICATE OF SERVICE

I, Qiara McCain, of the law firm Howard, Stallings, From, Atkins, Angell & Davis, P.A.,
certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age:

That on October 7, 2022, the foregoing Application for Interim Compensation of Auctioneer and Notice of Application was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the parties listed below. I further certify that I have mailed the document to the non CM/ECF participants as set out below by first class mail.

I certify under penalty of perjury that the foregoing is true and correct.

DATE: October 7, 2022

s/ Qiara McCain
Qiara McCain, Paralegal
P.O. Box 12347
Raleigh, NC 27605

Brian C. Behr, Esquire Bankruptcy Administrator <i>Served via cm/ecf and by email to Karen_Cook@nceba.uscourts.gov Lesley_Dean@nceba.uscourts.gov and</i>	George M. Oliver Attorney for Debtor <i>Served via cm/ecf</i>
Bill Kroll Everett Gaskins Hancock, LLP Attorney for Baxley Leasing, LLC, Martha Baxley <i>Served via cm/ecf</i>	Country Boys Auction & Realty, Inc. Attn: Mike Gurkins 1211 W. Fifth Street P.O. Box 1903 Washington, NC 27889